

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EMPIRE FIRE AND MARINE INSURANCE
COMPANY,

Plaintiff,

-against-

PEDRO L. VELASQUEZ,

Defendant,

-and-

CARONE K. SMITH, JAMILA Z. JOHNSON
and AWILDA A. TONEY,

Nominal Defendants.

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AMON, United States District Judge:

Plaintiff Empire Fire and Marine Insurance Company brings this action against its insured, Pedro L. Velasquez, in order to obtain a declaration that it has no obligation to defend or indemnify Velasquez in an underlying state court lawsuit involving nominal defendants Carone K. Smith, Jamila Z. Johnson, and Awilda A. Toney. (D.E. # 1 (“Compl.”).) Plaintiff has moved for default judgment against Velasquez, Smith, Johnson, and Toney. (D.E. # 24.) The Court referred the motion to the Honorable Steven Tiscione, United States Magistrate Judge, who thereafter submitted a Report and Recommendation (“R&R”) recommending that the Court grant Plaintiff’s motion for default judgment against all defendants. (D.E. # 27.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 11 2018 ★

BROOKLYN OFFICE

NOT FOR PUBLICATION
ORDER
17-CV-2556 (CBA) (ST)

§ 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

The Court has reviewed the record and, finding no clear error, adopts the well-reasoned R&R as the opinion of the Court. Accordingly, the Court grants Plaintiff’s motion for default judgment against Velasquez, Smith, Johnson, and Toney. The Court also directs the Clerk of Court to close this case.

SO ORDERED.

Dated: September 10, 2018
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge